



MOUNTAINS RECREATION & CONSERVATION AUTHORITY
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MEMORANDUM

TO: The Governing Board

FROM: 
Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Officer

DATE: June 4, 2008

SUBJECT: **Agenda Item X: Consideration of resolution authorizing a professional services contract with Richards, Watson & Gershon for due diligence review and recommendations where issues must be referred to the Governing Board by the Executive Officer or Staff Counsel.**

Staff Recommendation: That the Governing Board adopt a resolution authorizing a professional services contract with Richards, Watson & Gershon for due diligence review and recommendations to the Governing Board in an amount not to exceed \$10,000 per consultation subject matter without prior authorization of the Financial Officer.

Background: The MRCA Joint Exercise of Powers Agreement provides for an executive officer to administer the Authority and for a counsel, both of whom serve *ex officio* in their Santa Monica Mountains Conservancy positions. The Conservancy executive director is Constitutionally exempt from civil service. The Conservancy counsel is a Staff Counsel III and is a member of state civil service responsible to the State Personnel Board. From time to time based on the different perspectives of the two offices, matters may need to be referred to the Governing Board for ultimate decision. When this is the case the Governing Board should have the advice of third-party legal counsel in order to evaluate the situation and provide independent due diligence.

Qualifications of the firm: Richards, Watson & Gershon is a well known firm specializing in representing local government entities. It has provided legal services to the Authority on a number of different matters. They currently represent MRCA on personnel matters, on the Malibu litigation, and with respect to the Malibu Local Coastal Plan Amendments. They have been called upon for a number of individual opinions relating to various issues of government law. For a summary of this firm's public agency practice, see:

<<http://www.rwglaw.com/practice-areas/public-agency-law.aspx>>.